

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  DIGITAL TELECOMMUNICATIONS, INC.,  Complainant,  vs.  GOLDFIELD ACCESS NETWORK AND IOWA NETWORK SERVICES, INC.,  Respondents.	DOCKET NO. FCU-04-2
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**ORDER DISMISSING COMPLAINT AND CLOSING DOCKET**

(Issued July 23, 2004)

On January 16, 2004, Digital Telecommunications, Inc. (DTI), filed with the Utilities Board (Board) a formal complaint against Goldfield Access Network (GAN) and Iowa Network Services, Inc. (INS), pursuant to Iowa Code § 476.11 (2003). Specifically, DTI's complaint involves problems relating to toll-free (8XX) calls for DTI's customers who have switched their local provider from Qwest Corporation (Qwest), the incumbent local exchange carrier (ILEC), to GAN, a competitive local exchange carrier (CLEC). GAN routes its traffic through INS, rather than Qwest, and DTI alleges this causes difficulties. DTI requests that the Board establish a policy that would require CLECs to route 8XX calls over existing incumbent facilities.

INS responded to the complaint on February 18, 2004. In its response, INS asserted that if an interexchange carrier (IXC) such as DTI wishes to receive traffic from an ILEC or CLEC end office that is subtending the INS network, the IXC should be responsible for making arrangements for the delivery of that traffic.

On March 17, 2004, the Board issued an order docketing DTI's complaint for formal proceeding and requesting that GAN respond to the allegations set forth in DTI's complaint.

GAN filed a response to DTI's petition on March 25, 2004, stating that DTI does not have a direct connection to the local switch utilized by GAN, nor does DTI have a direct connection to the INS equal access tandem switch also used by GAN. GAN states that DTI does not seem to want to make any such connection to ensure proper routing of its customers' 8XX calls.

On April 6, 2004, Board staff met with representatives of DTI to attempt to facilitate a resolution in this matter. Following the April 6 meeting, Board staff was told by DTI that discussions between DTI and GAN were continuing and that the Board would be informed as to DTI's intention with respect to moving forward with the formal complaint process.

On July 8, 2004, the Board issued an order requesting that the parties submit a joint report regarding the status of this matter.

On July 19, 2004, GAN and INS filed a joint status report indicating that with respect to the GAN exchanges, it appears that DTI has made the necessary

arrangements to complete its 8XX calls. GAN and INS state that they do not believe further action is required in this docket. DTI did not file a status report and it appears that GAN's and INS's attempts to obtain DTI's concurrence on the status report were unsuccessful.

Based on the information provided to the Board in the joint status report filed by GAN and INS, the Board will dismiss DTI's complaint without prejudice and will close this docket.

**IT IS THEREFORE ORDERED:**

1. The formal complaint proceeding initiated by Digital Telecommunications, Inc., against Goldfield Access Network and Iowa Network Services, Inc., on January 16, 2004, is dismissed without prejudice.
2. This proceeding, identified as Docket No. FCU-04-2, is closed.

**UTILITIES BOARD**

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 23<sup>rd</sup> day of July, 2004.